

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 05-30074-MAP

TAMMY WALKER,
Plaintiff

v.

CITY OF HOLYOKE,
Defendant

**DEFENDANT'S MOTION TO COMPEL AN INDEPENDENT MEDICAL
EXAMINATION (IME) OF THE PLAINTIFF AND TO EXTEND DEADLINE**

NOW COMES the defendant, City of Holyoke, and respectfully requests that this court order the plaintiff to undergo an independent medical examination and to extend the deadline for said examination until July 1, 2007.

As reason for this request, the defendant states as follows:

1. The current deadline for the IME to be scheduled is June 1, 2007.
2. Defendant's counsel has determined that a psychiatric IME of the plaintiff is necessary to determine and evaluate damages and liability. The plaintiff is alleging that she suffers from post traumatic stress disorder and depression due to the actions of the defendant.
3. Defendant's counsel has retained Dr. Bernard Katz to perform a psychological evaluation of Tammy Walker. (See Exhibit A: Dr. Katz's Curriculum Vitae)
4. On May 22, 2007, defendant's counsel informed plaintiff's counsel, Ozell Hudson, Jr., of her intention to have Dr. Katz perform an IME of Tammy Walker and requested that Attorney Hudson indicate whether he would consent to the

IME. No response was received. (See Exhibit B: Correspondence to Ozell Hudson, Jr., 5/22/2007)

5. On May 24, 2007, defendant's counsel scheduled an IME of the plaintiff for Tuesday, May 29, 2007 at 2:00 p.m. to take place at the Hampden County House of Corrections. (See Exhibit C: Correspondence to William Curley, Superintendent of Security, 5/24/07.)

6. Defendant's counsel requested that Dr. Katz determine the following:

- Diagnosis of the plaintiff's present condition;
- Causal relationship of the alleged claims to the plaintiff's symptoms;
- Prognosis;
- Evaluation of the treatment rendered;
- Extent and percentage of disability, if any;
- Opinion on the need for future treatment;
- Opinion on whether the plaintiff's current complaints can be attributed to a condition unrelated to the subject claims;
- Opinion on any causal relationship that may exist between any psychiatric disorders, conditions and/or diagnoses that the plaintiff may have and the allegations that she is making against the defendant.

7. On May 24, 2007, plaintiff's counsel informed defendant's counsel that he could not consent to an IME without Ms. Walker's permission. He stated that he was unable to contact Ms. Walker and obtain her permission prior to May 29, 2007.

The plaintiff's IME will not delay the filing of defendant's motion for summary judgment by the June 15, 2007 deadline.

WHEREFORE, the defendant, City of Holyoke, respectfully requests that this court order Tammy Walker to undergo a psychiatric independent medical examination and extend the deadline for said examination to July 1, 2007.

The Defendants,
CITY OF HOLYOKE,

By Its Attorneys
MORRISON MAHONEY LLP

/s/ Carole Sakowski Lynch
Carole Sakowski Lynch, BBO# 547718
1500 Main Street, Suite 2400
P.O. Box 15387
Springfield, MA 01115-5387
(413) 737-4373
(413) 739-3125 (Fax)

I hereby certify that this document, filed through the ECF System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on May 29, 2007.

/s/ Carole Sakowski Lynch

January 2007

CURRICULUM VITAE

Bernard Katz, M.D.

Education and Degrees:

- Ohio University, Athens, Ohio - B.A. Honors
- University of Chicago - M.A., Psychiatric Social Work
- University of Louisville School of Medicine, Louisville, KY - M.D.

Training and Experience:

12/02-3/04	Psychiatrist-in-Chief, Tufts New England Medical Center Boston, MA
1997-Present	Private Practice, General and Forensic Psychiatry
1994-1997	Psychiatrist-in-Chief, Correctional Medical Services, Massachusetts Project, Dedham, MA
1994-1997	Medical Director, Bridgewater State Hospital, Bridgewater, MA
1987-1994	Psychiatrist-in-Chief, HRI Hospital, Brookline, MA
1983-1987	Medical Director, The Outpatient Clinics, Human Resource Institute, Brookline, MA
1973-1983	Medical Director and Co-Founder, Westwood Lodge Hospital, Westwood, MA
1975-1980	Clinical Director, Psychiatric Associates of Norfolk County
1971-1981	Chief, Department of Psychiatry, United States Public Health Service Hospital, Brighton, MA (part-time)
1969-1994	Chief Psychiatric Consultant, Dept. of the Army, AFEES, Boston, MA, (part-time)
1969-1972	Director, Aftercare Clinic, South Shore Mental Health Center, Quincy, MA (part-time)
1968-1971	Resident in Psychiatry, Massachusetts Mental Health Center/Harvard Medical School, Boston, MA
1967-1968	Rotating Intern, University of Wisconsin Hospitals, Madison, WI
1960-1963	Caseworker, Jewish Family Service Bureau, Cincinnati, OH

Teaching Activities:

2002-Date	Adjunct Clinical Professor of Psychiatry, Tufts University School of Medicine, Boston, MA
1989-Date	Associate Clinical Professor of Psychiatry, Boston University School of Medicine
1985-1993	Senior Clinical Supervisor, Faulkner Hospital

1971-Date	Clinical Instructor in Psychiatry, Harvard Medical School
1983-1994	Clinical Associate in Psychiatry, Massachusetts General Hospital
1979-1989	Assistant Clinical Professor of Psychiatry, Boston University School of Medicine
1979-1981	Lecturer in Psychopathology, Boston College School of Social Work
1979-1980	Instructor, Mental Health Collaborative, Boston, MA
1978-1980	Faculty, Boston Institute for Psychotherapy
1977-1980	Consultant, Parents' and Children's Services, Boston, MA
1974-1979	Clinical Instructor (Psychiatry), Boston University School of Medicine
1971-1974	Supervisor, Massachusetts Mental Health Center, Boston, MA
1968-1971	Teaching Fellow (Psychiatry), Harvard Medical School

Other Professional Activities:

2006-Date	Psychiatric Consultant, Risk Management and Patient Safety Institute, Lansing, MI
2003-Date	Distinguished Fellow, American Psychiatric Association
2002-Date	Psychiatric Consultant, Massachusetts State Police (Crisis Negotiating Team)
2002-2005	Psychiatric Consultant, Framingham (MA) Police Department
2002	American Psychiatric Association Special Presidential Award
2001-2005	Trustee, Pratt Medical Group of Tufts New England Medical Center
1999-2000	Committee on the Chronically Mentally Ill, Combined Jewish Philanthropies
1998-2002	Massachusetts Psychiatric Society Finance Committee
1998-2002	Massachusetts Psychiatric Society Planning Committee
1997-Date	Board of Directors, Advocates Health Care Systems
1996-2003	Chairman, Constitutional Membership Committee American Psychiatric Association
1993-1996	Psychiatric Consultant, Massachusetts Medical Professional Insurance Association
1993-1996	Constitutional Membership Committee, American Psychiatric Association
1988-1989	Senior Consultant, Governor's "Blue Ribbon Commission" to study Bridgewater State Hospital
1986-1992	Commissioner, Joint Commission on Public Affairs, American Psychiatric Association, Washington, D.C.
1985-Date	Founding Director, Massachusetts Association for Psychiatry
1985-1994	Senior Mental Health Consultant to the Commissioner,

1985-1994 Massachusetts Department of Correction
 Consultant, Professional Liability Insurance Committee,
 American Psychiatric Association
 1985-1990 Public Affairs Representative, American Psychiatric Association
 1985-1987 Member, American College of Mental Health Administrators
 1985-1986 Participant, Executive Office of Human Services, Mental
 Health Action Project
 1984-1987 Consultant Reviewer, Massachusetts Blue Cross/Blue Shield
 Master Health Plus Program

1984-1985 President, Massachusetts Psychiatric Society
 1983-1984 President-Elect, Massachusetts Psychiatric Society
 1983-1984 Delegate, American Psychiatric Association,
 Psychiatric Benefits Project, Washington, D.C.
 1982-1984 Advisor, Special Committee, Massachusetts State Senate (McGovern)
 1981-2005 Director and Co-Founder, Law and Psychiatry Resource Center
 1981-1982 Executive Administrative Consultant, Norfolk Mental Health
 Association and Cutler Clinic
 1981-2002 Reviewer, American Journal of Psychiatry
 1979-1983 Treasurer, Massachusetts Psychiatric Society
 1979-1981 Advisor, Special Committee, Massachusetts State Senate (Backman)
 1978-2003 Fellow, American Psychiatric Association
 1976-1986 Member, Board of Directors, Norfolk Mental Health Association
 1976-1977 Chairman, Nominating Committee, Massachusetts Psychiatric Society
 1975-1990/03 Examiner, American Board of Psychiatry and Neurology, Inc. (part-time)
 1975-1986 Clinical Advisory Committee, Norfolk Mental Health Association
 1975-1976 Member, Nominating Committee, Massachusetts Psychiatric Society
 1971-1978 General Member, Massachusetts Psychiatric Society and American
 Psychiatric Association
 1969-1971 Member-in-Training, Massachusetts Psychiatric Society and
 American Psychiatric Association

Other (Awards, Honors, etc.):

B.A. (Honors); Alumni Scholarship, University of Louisville School of Medicine; variety of scholarships, fellowships, and minor honors throughout undergraduate, graduate and medical school.

Military Obligation:

United States Public Health Service, Lt. Commander - 1968 - 1971; Inactive Reserve, USPHS.

Licensures:

Massachusetts #31344

Board Certification:

American Board of Psychiatry and Neurology (Psychiatry), 1974

American Board of Psychiatry and Neurology, Subspecialty in Forensic Psychiatry, 1999

Courses Given:

American Psychiatric Association Annual Meeting, New York, 1983. "Law and Psychiatry" along with Gutheil, T. and Rogoff, J.

Also presented at the annual meeting of the American Psychiatric Association, Los Angeles, 1984.

"Malpractice Prevention," along with Gutheil, T. Appelbaum, P., and Rogoff, J., American Psychiatric Association, Annual meeting, Dallas, Texas, 1985.

Also presented at the American Psychiatric Association, annual meeting, Washington, D.C., 1986, Chicago, 1987; Montreal, 1988; San Francisco, 1989; New York, 1990; New Orleans, 1991; San Francisco, 1993; Philadelphia, 1994; San Diego, 1997.

"Reducing the Risk of Malpractice," Hospital and Community Psychiatry Annual meeting, Los Angeles, October, 1991.

Participant Supervisor, Psychiatric Board Review Course, Harvard Medical School, 1999.

Supervisor, Intensive Diagnostic Interviewing, Harvard Medical School, April, 2001

Grand Rounds Given:

Massachusetts General Hospital, January, 1982, "Inpatient Psychiatry"

Boston University School of Medicine, November, 1982, "Unusual Presentation of Affective Disorder"

St. Vincent's Hospital, Worcester, MA, November, 1984, "Psychiatric Malpractice Prevention"

Mount Auburn Hospital, Cambridge, MA, October, 1991, "Psychiatric Malpractice Prevention"

Boston University School of Medicine, October, 1996, "Malpractice Prevention for the Clinician"

Medical College of Virginia, November, 1996, "Malpractice Risk Reduction for the Clinician"

Publications

Baldessarini R, Katz B, Cotton P: Dissimilar dosing with Neuroleptics of high and low potency. American Journal of Psychiatry 141:748-752, 1984.

Sederer L, Katz B, Manschrek T: Inpatient psychiatry: perspectives from the general, the private, and the state hospital. General Hospital Psychiatry 6:180-190, 1984.

Presentations:

Participated in presentation of "The Boundary Between Public and Private Responsibility," sponsored by the Massachusetts Public Health Association, Inc., November 8, 1984.

"Psychotic Illnesses: Their manifestations with and without Treatment." Presented at "Update on the Rogers Decision: A Psychiatric/Judicial Educational Exchange," sponsored by the Massachusetts Psychiatric Society and the Probate and Family Court Department, November 9, 1984

"Handling a Juvenile Transfer Case" - lecturer and panelist, Massachusetts Continuing Legal Education, Inc., November 29, 1990.

"Malpractice Prevention," Medical/Legal Seminar sponsored by PRMS, the American Psychiatric Association malpractice insurance company, Boston, September 14, 1994.

"Psychiatric Factors in Juvenile Transfer Decisions" - National Council of Juvenile and Family Court Judges, Sarasota, Florida, April 28, 1993.

"Violence," Discussant/Moderator Joint Meeting American Psychiatric Association and the Italian Psychiatric Society, San Felice, Italy, April, 1997.

"Psychology of Rape," Discussant, Harvard University Institute of Politics, April, 1997.

"Psychiatric Risk Management," Massachusetts Psychiatric Society Conference, 1999.

"Risk Management in Managed Care Environment". Massachusetts Psychiatric Society, 2000.

"First Do No Harm", Moderator/Discussant, Massachusetts Psychiatric Society, March, 2001

Annual Risk Management Conference, Massachusetts Psychiatric Society, March 2002

"Personality Disorders in the Forensic Setting", Presenter/Discussant, Office of Mental Health, State of New York, December, 2002.

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HARTFORD	RHODE ISLAND
ENGLAND	PROVIDENCE
LONDON	

Carole Sakowski Lynch
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clynch@morrisonmahoney.com

May 22, 2007

VIA FACSIMILE (617) 267-0663
AND FIRST CLASS MAIL

Ozell Hudson, Jr., Esq.
434 Massachusetts Avenue, Suite 402
Boston, MA 02118


Re: Tammy Walker v. City of Holyoke
Docket No.: 05-30074-MAP
Our File No.: 10007547

Dear Attorney Hudson:

Please be advised that the defendant would like Dr. Bernard Katz to perform an independent medical examination of the plaintiff, Tammy Walker. Attached for your review is Dr. Katz's CV. Please let me know as soon as possible if the plaintiff will consent to the IME?

Thank you very much.

Very truly yours,


Carole Sakowski Lynch

CSL/saw
Enclosure

MORRISON MAHONEY LLP

COUNSELLORS AT LAW

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May 24, 2007

VIA FACSIMILE (413) 547-0109

William Curley, Asst. Deputy Superintendent
Hampden House of Corrections
627 Randall Road
Ludlow, MA 01056

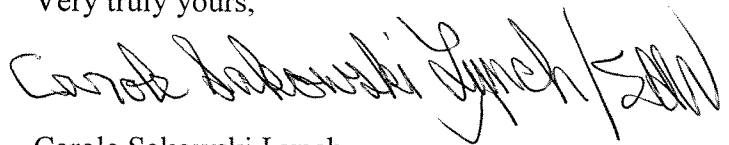
Re: Tammy Walker v. City of Holyoke
Docket No.: 05-30074-MAP
Our File No.: 10007547

Dear Mr. Curley:

Please allow this letter to confirm that Dr. Bernard Katz will perform an independent psychological examination of Tammy Walker on **May 29, 2007 starting at 2:00 p.m.**

Thank you for your assistance with this matter.

Very truly yours,


Carole Sakowski Lynch

CSL/saw

cc: Ozell Hudson, Jr., Esq. (fax 617-267-0663)
Bernard Katz, M.D.